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11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA  
13 SACRAMENTO DIVISION

14 JOHN WADE,

15 Plaintiff

Action No. 1

No. 2:25-cv-01071-TLN-CKD

16 v.

17 TOYOTA MOTOR NORTH AMERICA INC.;  
18 TOYOTA MOTOR ENGINEERING &  
19 MANUFACTURING NORTH AMERICA,  
20 INC.; TOYOTA MOTOR SALES, U.S.A., INC.;

Defendants.

**JOINT STIPULATION TO AMEND  
COMPLAINT AND EXTEND DEADLINES IN  
ACTION NO. 1 AND TO VOLUNTARILY  
DISMISS ACTION NO. 2 THEREAFTER;  
ORDER**

FRANKLIN HUFFMAN, DANIELLE BULS,  
CLAUDIA DIEZ, AND MATTHEW KULL,

Plaintiff

Action No. 2

No. 2:25-cv-01453-TLN-JDP

v.

SUBARU OF AMERICA, INC.;

Defendants

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STIPULATED MOTION TO CONSOLIDATE AND EXTEND DEADLINES AND ORDER

1 Plaintiffs in the above-captioned cases, and Defendants Toyota Motor North America Inc.,  
2 Toyota Motor Engineering & Manufacturing North America Inc., Toyota Motor Sales, U.S.A. Inc., in  
3 Action No. 1 (collectively, “Toyota Defendants”) and Subaru of America, Inc. in Action No. 2 (“Subaru  
4 Defendant”), have conferred and hereby stipulate as follows:

5 1. On April 10, 2025, Plaintiff John Wade filed Action No. 1 (*John Wade, et al., v. Toyota*  
6 *Motor North America Inc.*, et. al., No. 2:25-cv-01071-TLN-CKD) in this Court against the Toyota  
7 Defendants.

8 2. On May 23, 2025, Plaintiffs Franklin Huffman, Danielle Buls, Claudia Diez, and  
9 Matthew Kull filed Action No. 2 in this Court (*Franklin Huffman, et al., v. Subaru of America Inc.*, No.  
10 2:25-cv-01453-TLN-JDP) against the Subaru Defendant, raising similar allegations and claims as the  
11 Plaintiffs in Action No.1.

12 3. Both actions (the “Related Cases”) have been assigned to The Honorable Troy L. Nunley.

13 4. Counsel for the parties in the Related Cases have met and conferred, and agree to the  
14 following for purposes of efficiency, judicial economy, and economy of the parties:

- 15 • Plaintiffs shall file an Amended Complaint in Action No. 1, which will include the parties  
16 to both Action No. 1 and Action No. 2, no later than 21 days following entry of the Order  
17 approving this Stipulation, and such amendment shall be without prejudice to Plaintiffs’  
18 right to amend as a matter of course under Fed. R. Civ. P. 15(a)(1)(B);  
19 • On the same date that Plaintiffs file an Amended Complaint in Action No. 1, Plaintiffs  
20 shall dismiss Action No. 2;  
21 • Pending Plaintiff’s filing of the Amended Complaint in Action No. 1, the Subaru  
22 Defendant’s time to respond to the Complaint in Action No. 2 shall be extended without  
23 date and stayed, and Subaru shall no longer be required to file such a response once the  
24 dismissal of Action No. 2 is filed;  
25 • Defendants will respond to the Amended Complaint in Action No. 1 (including the filing  
26 of Rule 12 motions to dismiss) no later than 40 days after the filing of the Amended  
27 Complaint.

- If any Defendant files a motion to dismiss, then with respect to each said motion, Plaintiffs' opposition shall be filed no later than 40 days after the motion to dismiss is filed, and each moving Defendant shall have 21 days thereafter to file a reply. Defendants agree that they will not seek to dismiss based on misjoinder grounds.
- Plaintiffs' right to amend their Amended Complaint under Fed. R. Civ. P. 15(a)(1)(B) shall not be prejudiced by the filing of the Amended Complaint as hereby stipulated.
- The Court shall defer setting the remainder of the Case Schedule until resolution of the Motion(s) to Dismiss, at which point the Parties shall confer and propose a Case Schedule.

5. Nothing in this stipulation shall prejudice any Party's rights, defenses, or claims in these proceedings, including any defenses that the Toyota Defendants or the Subaru Defendant may have to Plaintiffs' claims or class allegations.

**IT IS SO STIPULATED AND AGREED.**

DATED this 8<sup>th</sup> day of August ,2025.

KELLER ROHRBACK L.L.P.

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*Counsel for Defendant Subaru of America, Inc.*

## ORDER

Having reviewed the Parties' stipulation, and finding good cause exists for the requested relief, the Court hereby GRANTS the stipulation and establishes the following schedule:

1. Plaintiffs shall file an Amended Complaint in Action No. 1, including the parties to both Action No. 1 and Action No. 2, no later than 21 days from the entry of this Order;

2. Such amendment shall be without prejudice to Plaintiffs' right to amend as a matter of course under Fed. R. Civ. P. 15(a)(1)(B);

3. On the same date that Plaintiffs file an Amended Complaint in Action No. 1, Plaintiffs shall dismiss Action No. 2;

4. Pending Plaintiff's filing of the Amended Complaint in Action No. 1, the Subaru Defendant's time to respond to the original Complaint in Action No. 2 shall be extended without date and stayed, and Subaru shall no longer be required to file such a response once the dismissal of Action No. 2 is filed;

5. Defendants will respond to the Amended Complaint no later than 40 days after the filing of the Amended Complaint;

6. If Defendants respond by way of motion(s) to dismiss, and Plaintiffs file opposition to the motion(s) to dismiss, such opposition shall be filed no later than 40 days from the filing of the motion(s), and Defendants shall have 21 days thereafter to file any reply.

## **IT IS SO ORDERED.**

DATED this 14th day of August , 2025

  
TROY L. NUNLEY  
CHIEF UNITED STATES DISTRICT JUDGE